

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAN SCHANTZ FARM & GREENHOUSES,
LLC,

CIVIL ACTION

Plaintiff,

v.

NO. 5:2017-cv-00403

DAVID J. CATANZARO

THE HONORABLE
JEFFREY L. SCHMEHL

Defendant

**RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE
DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S RESPONSE IN
OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S FIRST
AMENDED COMPLAINT**
AND
**DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S RESPONSE IN
OPPOSITION TO DEFENDANT'S MOTION FOR DISCIPLINARY**

This Honorable court should DENY Plaintiff's Motion to Strike Defendant's Response in
Opposition to Plaintiff's Response in Opposition to Defendant's Motion to Dismiss Plaintiff's
First Amended Complaint (Doc. 21) and Defendant's Response in Opposition to Plaintiff's
Response in Opposition to Defendant's Motion for Disciplinary Action (Doc. 22). These Filings
are NOT redundant and merely repetitive of arguments made in Defendant's briefs in support of
its underlying Motion to Dismiss Plaintiff's First Amended Complaint (Doc. 16) and Motion for
Disciplinary Action (Doc. 17).

1. In Document 21, Defendant narrowly argues that Plaintiff provide as evidence, specific oral and/or written communications to establish that a real Article III case or controversy existed at the time this action was filed. It is Defendant's belief that one of the main reasons Plaintiff is now asking this Honorable court to strike Document 21 is clearly because Plaintiff cannot provide the specific information requested in points 1 through 6 on page 3 in Document 21 rendering it impossible for Plaintiff to establish that a real Article III case or controversy existed at the time this action was filed.

2. In Plaintiff's Response in Opposition to Defendant's Motion to Dismiss Plaintiff's First Amended Complaint, Plaintiff asserts for the first time similarities between this action and the action between 3M Co. v. Avery Dennison Corp. Defendant responds to these accusations for the first time within Document 21 which is further reason why this court should not strike said document.

3. In Document 21, Defendant asserts for the first time that this action was filed frivolously based on Plaintiff's own admissions and provides clear and convincing evidence to support this claim.

4. In Document 21, Defendant for the first time addresses assertions made by Plaintiff with regards to a conversation made between Defendant and a receptionist working for Plaintiff.

5. In Document 21, Defendant for the first time addresses 'direct' assertions that Defendant demanded a royalty payment for the infringement of the '959 patent.

With respect to Document 22, this filling was written within the 'present tense' to address the current accusations within Plaintiff's Response in Opposition to Defendant's Motion for

Disciplinary Action and therefore should not be stricken.

For the above stated reasons, Defendant's reply briefs should not be stricken.

Respectfully submitted,

Dated: May 31, 2017

s/ David J. Catanzaro
David J. Catanzaro
Defendant *Pro Se*
286 Upper Powderly Street
Carbondale, PA 18407
Phone: (570) 282-4889
E-mail: davidjosephus@aol.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAN SCHANTZ FARM & GREENHOUSES,
LLC,

CIVIL ACTION

Plaintiff,

v.

NO. 5:2017-cv-00403

DAVID J. CATANZARO

THE HONORABLE
JEFFREY L. SCHMEHL

Defendant

[Proposed] ORDER

Now, this ____ day of _____, 2017, the Honorable Jeffrey L. Schmehl,
having considered Plaintiff's Motion to Strike and Defendant's filling in Opposition to Plaintiff's
Motion to Strike along with arguments in relation thereto:

Defendant's Response in Opposition to Plaintiff's Response in Opposition to
Defendant's Motion to Dismiss Plaintiff's First Amended Complaint (Doc. 21) is
NOT-STRICKEN; and

Defendant's Response in Opposition to Plaintiff's Response in Opposition to
Defendant's Motion for Disciplinary Action (Doc. 22) is NOT-STRICKEN.

SO ORDERED:

Hon. Jeffrey L. Schmehl

CERTIFICATE OF SERVICE

I, David Catanzaro, hereby certify that a true and correct copy of the forgoing Response in Opposition to Plaintiff's Motion to Strike was sent by First Class Mail to the United States District Court for the Eastern District of Pennsylvania and served via First Class Mail upon Plaintiff this 31th day of May 2017 to the following person:

DAN SCHANTZ FARM &
GREENHOUSES, LLC
c/o DOUGLAS PANZER
FITZPATRICK LENTZ & BUBBA
4001 Schoolhouse Lane
Center Valley, PA 18034

s/ David J. Catanzaro
David J. Catanzaro

David Catanzaro
Defendant *Pro Se*
286 Upper Powderly Street
Carbondale, PA 18407
Phone: (570) 282-4889



1000



18101

U.S. POSTAGE
PAID
CARBONDALE, PA
18407
MAY 31, 17
AMOUNT

\$0.70

R2305K141831-13

US court house and federal building
The Clerk's Office Suite 1601
504 West Hamilton St.
Allentown, PA 18101



18101831 CO17

00000000000000000000000000000000